

RIGHTS OF NEUTRALS AT SEA

*Declaration signed at Honolulu March 26, 1855, relating to accession by
Hawaii to convention of July 22, 1854, between the United States
and Russia*

7 Miller 121

Whereas the President of the United States of America, has invited His Majesty the King of the Hawaiian Islands to concur in and adopt the principles of the Convention between the United States and His Majesty the Emperor of all the Russias, concluded in Washington, on the 22 day of July 1854,¹ which convention is word for word as follows:

ARTICLE 1st

The two high contracting parties recognise as permanent and immutable the following principles. viz:

1st That free Ships make free goods that is to say, that the effects or goods belonging to subjects or Citizens of a Power or State at War, are free from Capture and confiscation, when found on board of neutral vessels with the exception of articles contraband of War.

2. That the property of neutrals on board an enemys vessel is not subject to confiscation, unless the same be contraband of War.

They engage to apply these principles to the Commerce and Navigation of all such powers and states as shall consent to adopt them on their part as permanent and immutable.

ARTICLE 2^d

The two high contracting parties reserve to themselves to come to an ulterior understanding, as circumstances may require, with regard to the application and extension to be given, if there be any cause for it, to the principles laid down in the first article. But they declare from this time that they will take the stipulations contained in said article 1st as a rule, whenever it shall become a question to judge of the rights of neutrality.

ARTICLE 3^d

It is agreed by the high contracting Parties that all nations which shall or may consent to accede to the Rules of the first article of this convention, by a formal Declaration stipulating to observe them, shall enjoy the rights resulting from such accession as they shall be enjoyed and observed by the two Powers signing this convention. They shall mutually communicate to each other the results of the steps which may be taken on the subject.

ARTICLE 4th

The present convention shall be approved and ratified by the President of the United States of America by and with the advice and consent of the Senate of said States, and

¹ TS 300, *post*, U.S.S.R.

by His Majesty the Emperor of all the Russias, and the Ratifications of the same shall be exchanged at Washington, within the period of ten months, counting from this day or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed the present convention in Duplicate, and thereto affixed the Seals of their Arms.

Done at Washington the 22^d day of July the Year of Grace 1854

Signed W. L. MARCY [SEAL]
" EDWARD STOECKL [SEAL]

And Whereas His Majesty the King of the Hawaiian Islands, having considered the aforesaid invitation of the President of the United States, and the Rules established in the foregoing convention respecting the rights of Neutrals during War, and having found such Rules consistent with those proclaimed by Her Britannic Majesty in Her Declaration of the 28th March 1854 and by His Majesty the Emperor of the French in His Declaration of the 29th of the same month and year, as well as with Her Britannic Majestys order in Council of the 15th April same year, and with the peaceful and strictly neutral policy of this Kingdom as proclaimed by His late Majesty King Kamehameha III on the 16th May 1854 amplified and explained by Resolutions of His Privy Council of State of the 15th June and 17th July same year, His Majesty, by and with the advice of His Cabinet and Privy Council, has authorized the undersigned to declare in His Name, as the undersigned now does declare that His Majesty accedes to the humane principles of the foregoing convention, in the sense of its III Article.

Department of Foreign Relations Honolulu.

26 March 1855

R. C. WYLLIE [SEAL]
Minister of Foreign Relations